

May 23, 2006

Hon. Michael L. Orenstein, U.S.M.J.
United States Federal Court
100 Federal Plaza
P.O. Box 9014
Central Islip, NY 11722

Re: Hill v. County of Suffolk
CV 02-3901

Dear Judge Orenstein:

The County Attorney's office represents defendants in this action pursuant to 42 U.S.C. § 1983. On defendant's behalf, I write in response to plaintiff's letter to Judge Hurley filed May 16, 2006, which was referred to your Honor by order of Judge Hurley dated May 18, 2006.

While plaintiffs do not object to the scheduling of a conference, we do object to plaintiff's request that he continue to be held at the Nassau County Correctional Facility until he can depose defendants.

Presently, plaintiff is scheduled to be sentenced by Judge Hurley on June 2, 2006, at which time he is expected to be referred to a federal facility. Although he is now in federal custody, he is being housed at the Nassau County Jail, due to his misbehavior in federal facilities.

Plaintiff would like the Court to believe that his ability to depose defendants depends upon his being allowed to remain in a local facility past his sentencing date. However, plaintiff has spent much of the past two or more years in local correctional facilities without making a proper attempt to proceed with depositions. In fact, after this Court issued its order dated July 19, 2005 to make appropriate arrangements for the deposition with the staff of the Metropolitan Detention Center, he failed to comply with the order. He did nothing further to seek deposition until writing his letter of May 16, 2006. Clearly, his request is simply a ruse to enable him to remain in the Nassau County Correctional Facility.

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Plainly, plaintiff's claimed need for discovery is no reason for this Court to allow him to remain in the Nassau County Facility past his sentencing date.

Very truly yours,
Christine Malafi
Suffolk County Attorney

Arlene S. Zwilling AZ/5918
Assistant County Attorney

ASZ:ced
cc: Demetrius Hill, Plaintiff
Richard P. Donoghue